

**IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
MARSHALL DIVISION**

K.MIZRA LLC,

Plaintiff,

v.

GENERAL MOTORS LLC,

Defendant.

Civil Action No.: 2:21-cv-00244-JRG

Jury Trial Demanded

JOINT MOTION TO DISMISS PURSUANT TO RULE 41(a)(2)

Plaintiff K.Mizra LLC (“Plaintiff”) and Defendant General Motors LLC (“Defendant”) pursuant to Fed. R. Civ. P. 41(a)(2) and (c), hereby move for an order dismissing all claims in this action WITH PREJUDICE. Plaintiff and Defendant, represented by their counsel, stipulate and agree as follows:

1. The complaint filed by Plaintiff against Defendant in the above-captioned case, including all claims and causes of action asserted by Plaintiff against Defendant are dismissed with prejudice to the Plaintiff re-filing same and without costs.
2. All counterclaims filed by Defendant against Plaintiff are dismissed with prejudice to re-filing the same and without costs.
3. Each of the parties to this joint motion is to bear its own costs and fees, including attorney’s fees.

So agreed and stipulated.

The Proposed Order is attached as Exhibit A.

Dated: March 9, 2022

Respectfully submitted,

By: /s/ Patricia Y. Ho
Michael C. Smith (State Bar No. 18650410)
Michael.Smith@solidcounsel.com
Scheef & Stone, LLP
113 East Austin Street
Marshall, Texas 75670
Telephone: (903) 938-8900

Patricia Y. Ho - Lead Counsel
CO State Bar No. 38013
pho@sheridanross.com

Brian S. Boerman
CO State Bar No. 50834
bboerman@sheridanross.com
Scott R. Bialecki (admitted *pro hac vice*)
CO State Bar No. 23103
sbialecki@sheridanross.com
SHERIDAN ROSS P.C.
1560 Broadway, Suite 1200
Denver, Colorado 80202
Telephone: (303) 863-9700
litigation@sheridanross.com

Attorneys for Plaintiff K.Mizra LLC

By: /s/ Marissa Ducca
Victoria F. Maroulis - *Lead Trial Counsel*
(admitted to practice in
the Eastern District of Texas)
victoriamaroulis@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
555 Twin Dolphin Dr., 5th Floor
Redwood City, CA 94065
Telephone: (650) 801 5000

Marissa Ducca
(admitted to practice in the
Eastern District of Texas)
marissaducca@quinnemanuel.com
QUINN EMANUEL URQUHART &
SULLIVAN, LLP
1300 I St NW, Suite 900
Washington, D.C. 20005
Telephone: (202) 538 8000

G. Blake Thompson (State Bar No. 24042033)
blake@themannfirm.com
J. Mark Mann (State Bar No. 12926150)
mark@themannfirm.com
MANN | TINDEL | THOMPSON
201 E. Howard St.
Henderson, TX 75654
Telephone: (903) 657-8540
Facsimile: (903) 657-6003

Counsel for Defendant General Motors LLC

CERTIFICATE OF SERVICE

The undersigned certifies that all counsel of record who have consented to electronic service are being served with a copy of this document via the Court's CM/ECF system pursuant to Local Rule CV-5(a)(3) on March 9, 2022.

/s/ Patricia Y. Ho

CERTIFICATE OF CONFERENCE

The Parties state that (1) counsel have complied with the meet and confer requirements of Local Rule CV-7(h), and (2) that counsel for the Parties agree to the requested relief in this Motion.

/s/ Patricia Y. Ho